



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

2

SMC
Docket No: 04822-99
9 February 2001

SG [REDACTED] USMC
[REDACTED]
[REDACTED]

Dear Sergeant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 February 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by Headquarters Marine Corps (HQMC) dated 1 and 9 September 1999 and a memorandum for the record dated 29 January 2001, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion dated 9 September 1999. The action of the HQMC Performance Evaluation Review Board to remove the fitness report for 17 to 20 May 1996 did not persuade the Board that the contested letter was invalid. They noted that the reviewing officer's comments in the fitness report indicate your relief from your duties was not based on one incident. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosures

DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103



IN REPLY REFER TO:

1070
MI
1 SEP 1999

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF SERGEANT [REDACTED]
[REDACTED] SMC

1. We reviewed Sergeant [REDACTED] application concerning his request for removal of an adverse letter, the CMC ltr 1450/5 MMPR-2 of 12Jul96, from his Official Military Personnel File (OMPF).

2. MCO P1070.12H, Marine Corps Individual Records Administration Manual (IRAM), chapter 1, authorizes administrative materials or documents to support the chronology of events of a Marine's history to be incorporated in the OMPF at Headquarters, U.S. Marine Corps (MMSB-20), as well as the Service Record Book. The OMPF is structured into distinct data areas, to include a Commendatory/Derogatory Data area, for material reflecting favorably or adversely on the Marine.

3. The following comments concerning the adverse letter are provided:

a. All relevant adverse material forwarded to the Commandant of the Marine Corps (CMC) (MMSB-20) is subject to rules per MCO P1070.12H, paragraph 1000.5.c. CMC will microfiche letters issued by the CMC to an officer or enlisted member concerning failure(s) to meet Marine Corps standards of professional performance and/or conduct.

b. The adverse letter reflects unfavorably upon Sergeant Raveau's personal and professional qualifications.

c. The adverse letter qualifies as "other reports, statements, or correspondence of a military nature" per paragraph 1000.5.c(2).

d. The adverse letter was the result of a report to CMC (MMPR-2) by Sergeant [REDACTED] Commanding Officer. It is not known by this Division if the report was contested, explained, or rebutted by Sergeant [REDACTED] he was afforded the opportunity.

4. In view of the above, it is recommended that CMC (MMPR-2) provide advisory opinion and recommendations.

Subj: BCNR APPLICATION IN THE CASE OF SERGEANT [REDACTED]
[REDACTED] MC

4. Point of contact [REDACTED] at DSN [REDACTED]

[REDACTED]

Head, Manpower Information Systems
Field Support Branch
Manpower Management Information
System Division
By direction of the
Commandant of the Marine Corps



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:
1400/3
MMPR-2
9 Sep 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE SERGEANT [REDACTED]
[REDACTED] 41 USMC

Ref: (a) CMC ltr 1540/5 MMPR-2 of 12 Jul 96
(b) CMC ltr 1610 MMER/PERB of 2 Apr 99

1. Sergeant [REDACTED] requests the adverse letter at reference (a) that deleted him from the 1995 Staff Sergeant Promotion List be removed from his official military personnel file. He feels that the adverse fitness report precipitated the adverse letter. Since the adverse fitness report was removed from his service record book, (reference (b)), then he feels that the adverse letter should also be removed from his service records.

2. The relationship between the fitness report that Sergeant [REDACTED] had removed from his official military personnel record and the letter contained in his record concerning the administrative deletion of his name from the 1995 Staff Sergeant Promotion list is irrelevant. Sergeant [REDACTED] actions, specifically his failure to handle basic leadership responsibilities, exhibited his failure to maintain the high standards of personal and professional conduct expected of our Marines and resulted in his name being deleted from the promotion list. Sergeant [REDACTED] was provided ample opportunity to comment and rebutt the information being provided to the CMC prior to his name being deleted from the promotion list. It is recommended that his request be denied and the letter remain in his official military personnel file.

[REDACTED]

Assistant Head, Enlisted Promotions
Promotion Branch
By direction of
the Commandant of the Marine Corps

29 JAN 01

MEMORANDUM FOR THE RECORD

SG [REDACTED] STATES THAT THE CONTESTED LTR DTD 12 JUL 96 WAS PLACED IN HIS OMPF DUE TO THE ADVERSE FIT REP HE REC'D FOR THE PERIOD 17 TO 20 MAY 1996 WHICH WAS REMOVED 2 APR 99.

I TELEPHONED [REDACTED] TO ASK WHY MMER/PERB REMOVED THE CONTESTED REPORT. [REDACTED] STATED THAT MRO'S REBUTTAL WAS NOT PROPERLY PHOTOGRAPHED; AND THERE WAS NO 3RD OFFICER--SIGHTING. SHE FURTHER STATES THAT SHE SPOKE WITH A "COLONEL" WHO SAID THAT SG [REDACTED] HAD WORKED FOR HIM FROM MAY 96 TO JUNE 97, AND HE WAS AN "OUTSTANDING" WORKER. MMER FELT THAT AN ADVERSE REPORT OF THIS NATURE FOR 3 HOURS UNAUTHORIZED ABSENCE WAS A BIT EXCESSIVE.

SHIRLEY COLSTON